

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

LEON WEINGRAD, individually and on
behalf of all others similarly situated,

v.

DAVID DIXON

Plaintiff,
Defendant.

Case No.

2:24-CV-03705

JURY TRIAL DEMANDED

**REQUEST FOR CLERK'S ENTRY OF DEFAULT AGAINST DEFENDANT
DAVID DIXON**

COMES NOW Plaintiff Leon Weingrad, by and through the undersigned counsel, pursuant to FED. R. CIV. P. 55(a), and hereby files this Motion for Clerk's Entry of Default against Defendant David Dixon in the above-styled action. Plaintiff respectfully requests that the Clerk of Court enter default as the Defendant has failed to serve or file an answer to Plaintiff's claims in this action within the time permitted by law or otherwise.

Federal Rule of Civil Procedure 12(a), entitled "Time to Serve a Responsive Pleading," provides in pertinent part that "[a] defendant must serve an answer within 21 days after being served with the summons and complaint." FED. R. CIV. P. 12(a)(1)(A)(i). Federal Rule of Civil Procedure 55(a), entitled "Entering a Default," provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk *must* enter the party's default." FED. R. CIV. P. 55(a) (emphasis added).

Here, the Plaintiff filed his Amended Complaint naming Dixon on August 13, 2024. (See ECF No. 3.) Defendant David Dixon was served with the Summons and Complaint on August

15, 2024. (See ECF No. 6.) Accordingly, Defendant's responsive pleading was due on September 5, 2024. Defendant did not file a response as of November 29, 2024. Accordingly, the Plaintiff requests that the Clerk enter the Defendant's default pursuant to FED. R. CIV. P. 55(a).

CONCLUSION

WHEREFORE, for the reasons set forth herein, the Plaintiff respectfully requests that the Clerk of Court enter default against the Defendant pursuant to FED. R. CIV. P. 55(a).

RESPECTFULLY SUBMITTED AND DATED this November 29, 2024.

/s/ Andrew Roman Perrong
Andrew Roman Perrong, Esq.
(*Pro Hac Vice*)
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CERTIFICATE OF SERVICE

I certify that I filed the foregoing via ECF on the below date, which will automatically send a copy to all attorneys of record on the case.

I further certify that I mailed a copy of the foregoing to:

David Dixon
435 Franklin Avenue
Hewlett, NY 11557

Dated: November 29, 2024

/s/ Andrew Roman Perrong
Andrew Roman Perrong, Esq.
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